SRI M MOHAMMED ALI.—The hon'ble Member may remember that there was an accident at Malleswaram. After that, instructions have been given that more stress should be laid on the maintenance of vehicles, and if a vehicle is not looked after before it leaves the Depot, early morning, action must be taken against the Depot-Manager and the mechanical staff, because in that case responsibility will not be the driver, but of the mechanical staff.

MADAM SPEAKER.—The Questions are over. Before we go to the next item, I would call upon the Hon. Minister for Health to make the statement which he promised to make today.

Statement by the Minister for Health :

re : delay in laying notification unde the Municipality Act.

SRI H. M. CHANNABASAPPA (Minister for Health).—MADAM SPEAKER

As per the assurance given to the House yesterday, I make the following statement :—

The Town Municipal Council, Karkala, was superseded in Government Order No. PMA 13 TEL 76, dated 5-7-1976, under section 316 of the Karnataka Municipalities Act, 1964, as the Town Municipal Council, Karkala failed to exercise effectively its duties and functions imposed on it under the provisions of the Karnataka Municipalities, Act 1964 and the Rules made there under the Tahsildar, Karkala Taluk was appointed a Administrator, Town Municipal Council, Karkala, to discharge the duties and functions of the President under the provisions of the Karnataka Municipalities Act, 1964. No writ petition has been filed in respect of the supersession order passed by the Government in this behalf.

The Town Municipal Council, Coondapur was superseded under Section 316 of the Karnataka Municipalities Act 1964 in Government Order No. HMA 221 TAO 76 dated 1-9-1976, as the Town Municipal Council, Coondapur, failed to exercise effectively its duties and functions imposed on it as required under the provisions of the Karnataka Municipalities Act, 1964, and the rules thereunder and Tahsildar, Coondapur Taluk, was appointed as administrator to discharge the duties of the President, Town Municipal Council, Coondapur, under the provisions of the Karnataka Municipalities Act, 1964. In the meanwhile, the President, Town Municipal Council Coondapur, filed Write Potition No. 2811/76(M) dated 8-9-1976 in the High Court of Karnataka Bangalore, and the High Court passed an interim order staying the operation of the supersession order passed by the Government in respect of Coondapur Town Municipal Council. The

Writ petition was allowed by the High Court on 7-3-1977, striking down the supersession order in this behalf. Government have now decided to prefer an appeal before Division Bench of the High Court. Necessary action is being taken to file an appeal in this behalf. The two Notifications have been placed on the floor of the House in order to comply with mandateory provisionsof the Karnataka Municipalities Act, 1964.

The last Session of the Legislature was held from 8-11-1976 to 18-11-1976 and the Notifications should have been placed on the table of the Houses at the last Session. Failure to do so is regretted

Government will ensure that such mistakes do not recur. The reasons for the failures will be investigated and suitable action taken against these responsible therefor.

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ.—ಹಿಂದಿನ ಅಧಿವೇಶನದಲ್ಲಿ ಈ ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಅನ್ನು ಇಡಬಹುದಾಗಿತ್ತು ಪತಕ್ಕೆ ವಿಳಂಬ ಮಾಡಿದಿ ?

SRI H. M CHANNABASAPAA.—The last session was from 8-11-1976 to 18-11-1976. The no ification should have been placed at the last session. Failure to do is regretted and the Government will enquire into the reasons and suitable action will be taken against the persons responsible.

SRI KAGODU THIMMAPPA.—The supersession order is no longer in existence. That matter is over ಕೋರ್ಟಾಪುರ ಪುರ ಸಭೆಯನ್ನು ಸೂಪರ್‌ಸೀಡ್ ಮಾಡಿದ ನೋಟೆ ಅವರು ಡಿವಿಜನ್ ಬೆಂಚ್‌ಗೆ ಅಪೀಲು ಹೋದಾಗ ಅದನ್ನು ಸ್ಟ್ರೈಕ್ ಡಾನ್ ಮಾಡಿಬಿಟ್ಟು ಅವರಿಗೆ ಸ್ಟೇ ಕೊಡಲಿಲ್ಲ. ಯಾವಾಗ ಒಂದು ಸಾರಿ ಸ್ಟ್ರೈಕ್ ಡೌನ್ ಮಾಡಿದರೋ ಪುನಃ ಈ ನೋಟಿಫಿಕೇಷನ್ ಇಡುವ ಪ್ರಸಂಗವೇ ಬರುವುದಿಲ್ಲವಲ್ಲಾ ?

SRI H. M. CHANNABASAPPA.—I have followed the hon'ble member. Now that notification has been issued it is a mandatory provision of the law that it should be placed before the House Whether the court strikes it or not, in order to respect the mandatory provision of law I have laid this.

SRI KAGODU THIMMAPPA.—The hon'ble Minister is placing the Notification which is struck down by the High Court. It is no longer in existence.

MADAM SPEAKER.—Whatever the Government has done, it should be brought to the notice of the House.

SRI KAGODU THIMMAPPA.—So far as Coondapur is concerned, they are placing the notification which is dead and which no longer carries any weight.

MADAM SPEAKER,—Whatever it is, they have to place it before the House.

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್—ಯಾವುದಕ್ಕೆ ಜೀವ ಇಲ್ಲವೋ ಅದಕ್ಕೆ ಮತ್ತೆ ಜೀವ ಕೊಡುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡುತ್ತಿದ್ದಾರೆ.

SRI H. M. CHANNABASAPPA.—I am bound to place the facts before the House.

SRI KAGODU THIMMAPPA.—You are bound to place provided that notification is in existence under law. Here is a case where the notification is no longer in existence.

SRI H. M. CHANNABASAPPA.—The law does not say that it is only in set circumstances it should be placed. It says that any notification issued shall be placed before the House.

SRI KAGODU THIMMAPPA.—The appropriate Minister should be censured for this.

MADAM SPEAKER.—Please see section 383 (3) of the Act. It is mandatory to lay the notification before the House.

SRI KAGODU THIMMAPPA.—Provided that notification is in existence under the law.

ಅಧ್ಯಕ್ಷರು,—ಸರ್ಕಾರ ಮಾಡುವ ಕೆಲಸದಲ್ಲಿ ವಿಳಂಬ ಆಗಿರುವುದು, ಅದರಲ್ಲಿ ಕರ್ತವ್ಯ ಲೋಪ ಇದೆ ಎಂದು ಅವರೇ ಒಪ್ಪಿಕೊಂಡಿದ್ದಾರಲ್ಲಾ ! ಸರ್ಕಾರ ಮಾಡಿರುವ ಕೆಲಸವನ್ನು ಈಗ ನಿಮ್ಮ ಮುಂದೆ ತಂದಿದ್ದಾರಲ್ಲಾ !

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ —ಯಾವಾಗ ಅವರು ಡಿವಿಷನಲ್ ಬೆಂಚ್‌ಗೆ ಅಪೀಲು ಹೋಗುತ್ತೇವೆ ಅಂತ ಹೇಳಿದರೋ ಆಗಲೇ ನಿಜವಾಗಿಯೂ ಇರತಕ್ಕಂಥ ಈ ನಗರ ಸಭೆಯನ್ನು ರದ್ದು ಮಾಡಿದ್ದೀರಲ್ಲಾ ಅದನ್ನು ಕೇಳಬೇಕಾಗಿಲ್ಲವೇ ?

ಅಧ್ಯಕ್ಷರು.—ನೀವು ಕೇಳುವ ವಿಷಯಂಕ್ಕೂ ಈಗ ಇರತಕ್ಕಂಥಾ ವಿಷಯಕ್ಕೂ ಸಂಬಂಧ ಇಲ್ಲ !

ಶ್ರೀ ಕಾಗೋಡು ತಿಮ್ಮಪ್ಪ —ತಾವು ಈ ನೋಟಿಫಿಕೇಷನ್ ಅನ್ನು ಇಡಬೇಕಾದ ಸಂದರ್ಭದಲ್ಲಿ ಇಡದೇ ಇದ್ದುರಿಂದ ಅದು ಸ್ಟ್ರೈಕ್ ಡೌನ್ ಆಯಿತು. ಆದುದರಿಂದ ನಾವು ಅದರ ಬಗ್ಗೆ ಕೇಳಲೇ ಬೇಕಾಗುತ್ತದೆ.

SRI H. M. CHANNABASAPPA.—That is a different matter. The hon'ble member may put a separate question.

SRI D. DEVARAJ URS.—May I submit my views? It appears to me that there is an impression that that the Government wants to act arbitrarily or illegally, If that impression is there, I would like to completely disabuse such an impression from the mind of the hon'ble member. We do not want to act in an illegal way. If according to law the order is no more in existence we do not certainly give effect to it. But that is a different issue. Here the question is the Government is merely bound to bring to the notice of the House whatever is prescribed according to law. Therefore, it is merely a matter of formality which we have to fulfill. Supposing two months earlier they had passed an order and in these two months something had happened. Even then whatever order has been passed should be placed before the House, whether it is struck down or not.

Regarding the point that municipality should go or not, is a different issue which the hon'ble member can raise on different occasion.

SRI M. S. KRISHNAN.—Regarding the action that is to be taken in respect of those people who failed to bring to the notice of either the Govern-ment or the House, should have also been stated.

SRI H. M. CHANNABASAPPA.—In the statement itself it is stated. For the benefit of the ho'nble member I shall read it again. The Government well ensure that such mistakes do not recur. The reasons for the failure would be enquired into and suitable action taken against those who are responsible for this".

Papers laid on the Table.

SRI H. M. CHANNABASAPPA (Minister for Health).—Madam Speaker on behalf of the Minister for Municipal Administration and Political Pensions, I beg to lay :

(*a*) G. O. No HMA 13 TEL 76 dated 5th July 1976 Super session of Town Municipal Council, Karkala;

(*b*) Order No. HMA 221 TAO 75 (PF) dated 6th August 1976 Supersession of Town Municipal Council, Coondapur

As required under sub-section (5) of Section 316 of Karnataka Municipalities Act. 1964.

MADAM SPEAKER.—The Notifications are laid.

Message from the Chairman L. C. Announcement.

MADAM SPEAKER,—I have received the following message from the Chairman, Legislative Council.

"As required by Rule 91 of the Rules of Procedure and Conduct of Bussiness in the Karnataka Legislative Council, I transmit the following Bills for concurrence of the Legislative Assembly.

The following Bills were passed by the Legislative Council on 29th March 1977.

1. The Karnataka Electricity Supply Undertakings (Acquisition) (Amendment) Bill, 1977.

3. The Karnataka State Universities (Amendment) Bill 1977.

3. The Karnataka Ayurvedic and Unani Practitioners' Registration and Medical Practitioners Miscellaneous Provisions (Amendment) Bill 1977.